



1

PATENT APPLICATION

6
Reg. Ext. Fine
Election
Cofe
36-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Andre Jouanneau

Examiner: Behrend

Serial No. 09/155,241

Art Unit: 3641

Filed: September 22, 1998.

For: METHOD AND APPARATUS FOR ETC.

RECEIVED

MAR 06 2001

REQUEST FOR RECONSIDERATION OF THE
REQUIREMENT TO ELECT AND ELECTION

TO 3600 MAIL ROOM

Hon. Commissioner of Patents
and Trademarks
Washington, D.C 20231

Sir:

Applicant requests a five months extension of time and pays the fee of \$ 945.00.

In response to the official letter of August 28, 2000, Applicant responds as follows:

Applicant hereby protests the requirement for an election and asks for reconsideration of the requirement for an election.

The requirement to elect is improper since the examiner did not require an election between different specie as permitted by the rules. The law, and the meaning of the rules, were discussed in Applicant's papers filed March 14, 1997, and November 4, 1996 copending of application S.N 08/467,298. These prior papers are incorporated by reference.

The claims are all for combinations. Thus, any r quirement

03/02/2001 MYUSUF1 00000057 09155241

01 FC:228

945.00 OP

for an election should be between various combinations not the details of an element of a combination.

Under protest, and in response to the requirements in paragraph number 1 on page 2 of the Official Letter of August 28, 2000, Applicant elects Group I.

Under protest, and in response to the requirements in paragraph number 2 on page 2 of the Official Letter of August 28, 2000, Applicant elects Group 1a.

In response to the requirement in paragraph 3 on page 3 of the Official Letter of August 28, 2000, Applicant notes that no claim recites any specific metal and therefore this requirement is improper. Under Protest, Applicant elects: Ta Fe.

In response to the requirement in paragraph 4 on page 3 of the Official Letter of August 28, 2000, the particular particle is not recited in the independent claims. Under protest, Applicant elects protons generically, for example proton H^+ .

In response to the first paragraph 5 on page 3 of the Official Letter of August 28, 2000, it is noted that A and B are not species. Under protest Applicant elects item A.

In response to paragraph 6 on page 4 of the Official Letter of August 28, 2000, Applicant responds as follows:

The U.S Patent number 4,457,824 to Dempsey and al. is a "method and device for evolution of oxygen with ternary electrocatalysts containing valve metals": Titanium, Hafnium, Zirconium, Niobium, Tantalum, Tungsten with a Platinum metal oxide or a Platinum group metal.

This is the description of an improved catalytic anode to produce oxygen. This is not the description of an improved cathode.

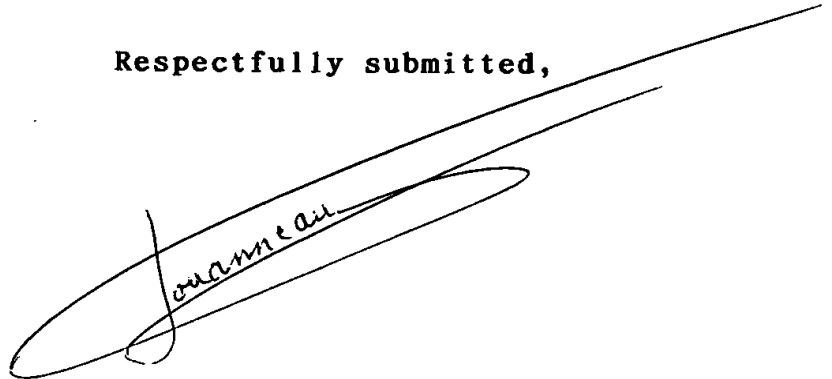
The experimental conditions described by Williams in the article in Nature, Vol 342, p375-384 (1989) can not in any way allow the creation of a plasma inside the materials used as cathodes. The negative results obtained under these conditions, and described in the publication, prove the complete inefficacy of their method to create plasma inside a cathode.

Under protest, and in response to paragraph 5 on page 3 of the Official Letter of August 28, 2000, all the claims in this case read on the elected subject matter, except claims 27-30.

The specie elected is group I on page 2 of the Official Action. It is noted that there are two paragraphs 5 on page 3. This is in response to the second one.

Respectfully submitted,

Andrie' Jouanneau
6028 Southport Drive
Bethesda, MD, 20814
tel 301 897 4987

A handwritten signature in cursive script, reading "Jouanneau", is written over a large, diagonal, hand-drawn oval line.